

Cliff Fonstein
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Attorneys For Defendant
Deutsche Bank Securities Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DANIEL B. GRAVES, :
:
:

Plaintiff, :
:
:

- against - :
:
:

DEUTSCHE BANK SECURITIES INC. :
:
:

Defendant. :
:
:

07 Civ. 5471 (BSJ)

**NOTICE OF MOTION FOR
PARTIAL DISMISSAL OF
PLAINTIFF'S COMPLAINT AND
TO STRIKE PORTIONS OF THE
COMPLAINT**

----- X
To: Attorneys for Plaintiff:
Richard T. Seymour
Law Office of Richard T. Seymour, P.L.L.C.
1150 Connecticut Avenue N.W., Suite 900
Washington, D.C. 20036-4129

Steven A. Berger
Berger & Webb, LLP
1633 Broadway, 46th Floor
New York, New York 10019

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Affidavit of Cliff Fonstein, the undersigned will move this Court before The Honorable Barbara S. Jones at the United States Courthouse, 500 Pearl Street, New York, New York 10007

for an order partially dismissing Plaintiff Daniel Graves's Complaint, pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 9(b), for failure to state a claim upon which relief may be granted, (2) dismissing the claims under the New York City Human Rights Law, Title 8 of the Administrative Code of the City of New York §§ 8-101 et seq. ("NYCHRL") due to the Court's lack of jurisdiction over them under Fed. R. Civ. P. 12(b)(1) and (3) striking immaterial and prejudicial portions of the Complaint under Fed. R. Civ. P. 12(f).

Respectfully submitted,

Dated: July 3, 2007
New York, New York

SIDLEY AUSTIN LLP

By: 

Cliff Fonstein
Joanne Seltzer
787 Seventh Avenue
New York, New York 10019
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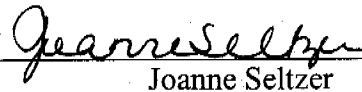
Attorneys for Defendant
Deutsche Bank Securities Inc.

CERTIFICATE OF SERVICE

I, Joanne Seltzer, an attorney admitted to practice in the State of New York, and not a party to this action, state under penalty of perjury that on this 3rd day of July, 2007, I caused a true and correct copy of the foregoing Notice of Motion For Partial Dismissal of Plaintiff's Complaint and To Strike Portions of the Complaint to be served upon the following parties:

Attorneys for Plaintiff:
Richard T. Seymour
Law Office of Richard T. Seymour, P.L.L.C.
1150 Connecticut Avenue N.W., Suite 900
Washington, D.C. 20036-4129
(By Federal Express Overnight Delivery)

Steven A. Berger
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1633 Broadway, 46th Floor
New York, New York 10019
(By Hand)


Joanne Seltzer